



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider the Appeal of Mark Geweke on Behalf of Geweke Toyota of Action of the Lodi City Planning Commission which Determined that a Blimp Flying at 1020 South Beckman Road was an Illegal Advertising Device and Ordered that its Usage be Discontinued

MEETING DATE: May 18, 1994

PREPARED BY: Community Development Director

RECOMMENDED ACTION: that the City Council conduct a public hearing to consider the appeal of Mark Geweke on behalf of Geweke Toyota of action of the Lodi City Planning Commission which determined that a blimp flying at 1020 South Beckman Road was an illegal advertising device and ordered that its usage be discontinued.

BACKGROUND INFORMATION: On December 27, 1993 the Community Development Department corresponded with Geweke Toyota and requested that an advertising blimp (i.e. Balloon) which was flying over the automobile agency at 1020 South Beckman Road be removed. It was the department's position that the blimp was not a legal advertising device under the City's sign restrictions (i.e. Chapter 17.63 of the Municipal Code).

Mr. Mark Geweke, Vice-President, Geweke Toyota, appealed the staff order to the Planning Commission. After conducting a Public Hearing at its meeting of March 28, 1994 the Planning Commission determined that the blimp (i.e. Balloon) was an illegal advertising device and ordered that its usage be discontinued. The Planning Commission's decision has now been appealed to the City Council.

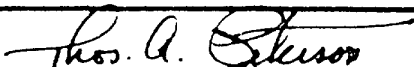
FUNDING: None required.


James B. Schroeder
Community Development Director

JBS/ck

Attachment

APPROVED



THOMAS A. PETERSON
City Manager



recycled paper

CC-1

CCCD94.13/TXTD.01C

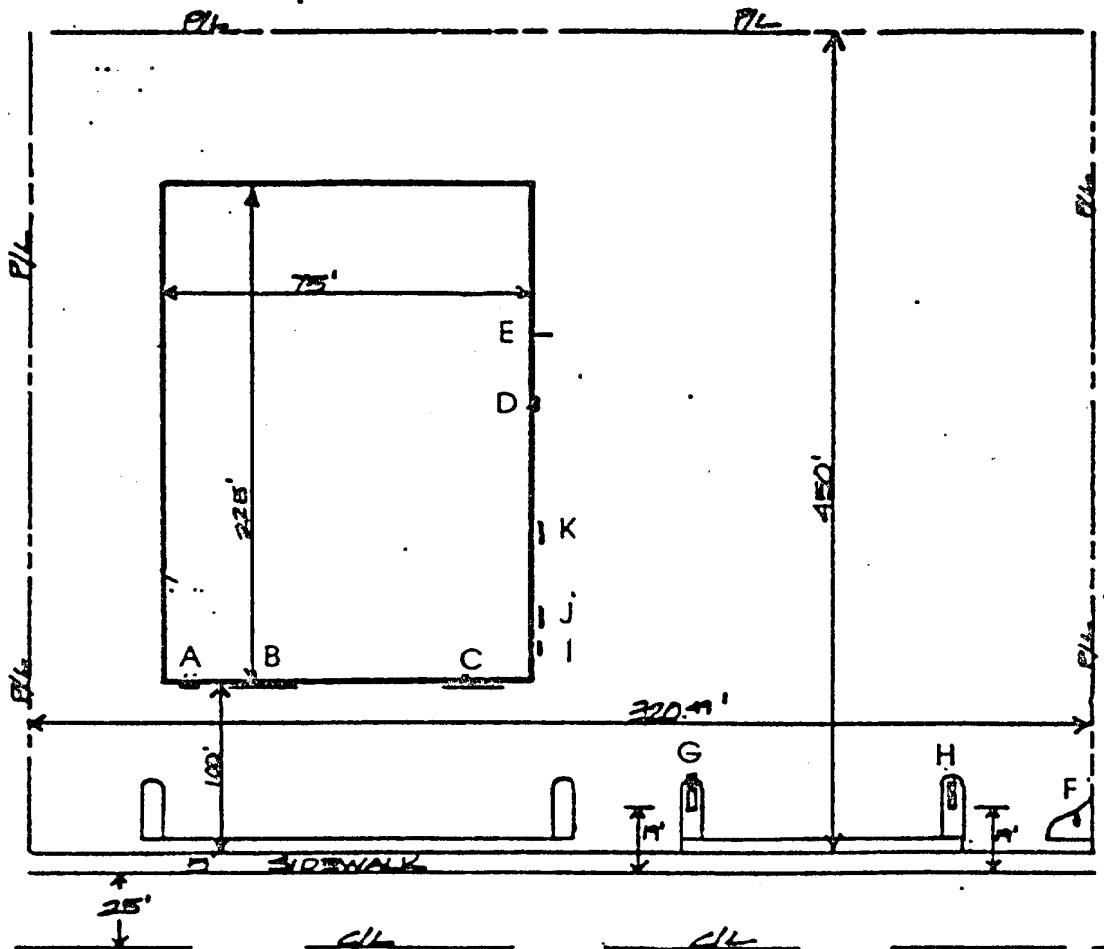
EXCERPT - PLANNING COMMISSION MINUTES - MARCH 28, 1994

The next public hearing was appeal of Geweke Toyota of an order by the Community Development Director to remove a balloon being used for advertising purposes in violation of the sign ordinance at 1020 South Beckman Road. Chairman Rasmussen announced that he would be abstaining from any discussion or vote on this matter because of a possible conflict of interest. He turned the gavel over to Vice Chairman Stafford to conduct the hearing on this matter.

Community Development Director Schroeder introduced this matter for the Planning Commission. He explained that the Community Development Department had sent a letter to Geweke Toyota ordering them to remove the advertising balloon because it violated the City's sign ordinance. Mr. Schroeder read to the Planning Commission the original letter requesting removal of the sign and also a study conducted by Assistant Planner Meissner in which he computed the amount of existing signage at the Toyota dealership as well as what the allowable sign area is for this property. Mr. Schroeder explained that he had determined that the sign is not a permitted advertising structure under the City's sign ordinance. Additionally, even if it were permitted, the existing sign would exceed both the height and sign area permitted by the ordinance.

Vice Chairman Stafford then asked if anyone in the audience wished to speak on this matter. Coming forward to speak was Bennett Copeland, 1520 South Mills Avenue. Mr. Copeland explained that he had been hired to try to make the dealership a profitable operation, and that currently the business is losing money. He noted that car dealerships are a major contributor to the City sales tax base. He felt that this particular dealership is suffering because people, even in Lodi, are not familiar with the Beckman Road location. He felt that the balloon was helping to attract customers to the business. Mr. Copeland stated that he wants to work with the City to make the balloon legal and feels that businesses east of the freeway might need special assistance to help attract people to that area. Finally, he added that he does not feel the balloon is a sign, but rather a tethered aircraft. Commissioner Lapenta asked staff if the balloon would still be considered a sign if all lettering were removed from the balloon. Community Development Director Schroeder stated that it would still be a sign since its only purpose is to attract business.

Following some additional discussion the Planning Commission, on a motion by Commissioner Schmidt, second by Commissioner Hitchcock, approved on a 5-0 vote with Chairman Rasmussen abstaining a motion to deny the appeal of Geweke Toyota, determining that a blimp which has been flying at Geweke Toyota, 1020 South Beckman Road in an area zoned M-1, Light Industrial, is an illegal advertising device and ordered its usage discontinued. Following this vote, Community Development Director Schroeder explained the appeal process to Mr. Copeland.



MAXIMUM SIGNAGE ALLOWABLE
= 961.5 sq. ft.

TOTAL OF PERMITTED SIGNAGE
= 882 sq. ft.

SIGNAGE WITH BANNERS AND
FLAGS = 1000 sq. ft +

Sign Index:

A, B = Logo, Toyota = 76 sq. ft.

C = Geweke = 24 sq. ft.

D = Parts Dept. = 18 sq. ft.

E = Service = 18 sq. ft.

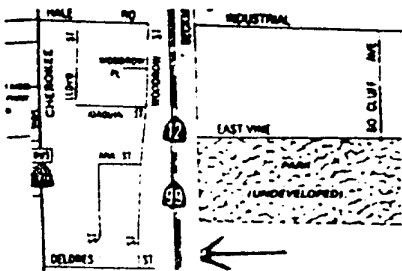
F = Parts and Service = 36 sq. ft.

G = 75' pole 'Toyota' = 480 sq. ft.

H = 19' pole 'Used Cars' = 130 sq. ft.

I, J = Logo, Toyota = 76 sq. ft.

K = Geweke = 24 sq. ft.



VICINITY MAP



Geweke Toyota
Sign Removal Appeal
1020 S. Beckman Rd.

3-28-94



GEWEKE
 **TOYOTA**

File:
Geweke Blimp

March 31, 1994

Ms. Jennifer Perrin
City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

Dear Ms. Perrin:

This letter is submitted as a written appeal to council to be heard regarding our blimp. We appeared before the Lodi City Planning Commission on March 28, 1994. The City Planning Commission passed a ruling that directly and adversely affects our business.

Please submit this request to be heard to the City Council of Lodi. Thank you for your consideration in this matter.

Sincerely,



Mark Geweke
Vice President

MC:bpm

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY C. DAVENPORT
PHILLIP A. PENNINO
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

March 29, 1994

Mr. Mark Geweke
Vice President, General Manager
Geweke Toyota
P.O. Box 1210
Lodi, CA 95241

Dear Mr. Geweke:

RE: Public Hearing
Balloon Advertisement

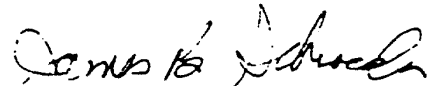
At its meeting of Monday, March 28, 1994 the Lodi City Planning Commission determined that a blimp, which has been flying at Geweke Toyota, 1200 South Beckman Road, was an illegal advertising device and ordered that its usage be discontinued.

Section 17.72.110 of the Lodi Municipal Code "Appeal to Council", provides as follows:

"Any applicant or person claiming to be directly and adversely affected by any action of the Planning Commission may, within five days (i.e. business days) after the action, file a written appeal with the City Clerk for transmittal to the City Council."

Your appeal, if any, must be in writing and directed to Ms. Jennifer Perrin, City Clerk, P.O. Box 3006, Lodi, CA 95241-1910 and must be received by her before 5:00 p.m., Monday, April 4, 1994.

Sincerely,



JAMES B. SCHROEDER
Community Development Director

cc: City Clerk



GEWEKE
 **TOYOTA**

RECEIVED

MAR 09 1994



COMMUNITY
DEVELOPMENT
DEPARTMENT

March 4, 1994

Mr. James B. Schroeder
Community Development Director
City Hall
P. O. Box 3006
Lodi, CA 95241-1910

Dear Mr. Schroeder:

We would like to request that our appeal before the Lodi City Planning Commission regarding our blimp be put back on the agenda. We would like to be set for a public hearing as soon as possible.

I understand on January 27, 1994 our employee, Jeff Smutney, called your office and stated that the blimp was to be moved out of town. There appears to have been some confusion regarding this issue. I sincerely apologize for this misunderstanding. We would like to address the issue of the blimp before the City Planning Commission as soon as possible. We feel we have a great deal to contribute to the community and to the City of Lodi. Since we would prefer to have the blimp fly here, Geweke Toyota would appreciate your rescheduling our hearing.

Again, Jim, I apologize for this misunderstanding. Please do not hesitate to call me at 209-367-6500 if anything further is required.

Sincerely,

Mark Geweke
Vice President, General Manager

MC:bpm

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY G. DAVENPORT
PHILLIP A. PENNINO
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THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

December 27, 1993

Geweke Land Development, & Marketing
P.O. Box 1210
Lodi, CA 95241

SUBJECT: ILLEGAL BALLOON ADVERTISEMENT

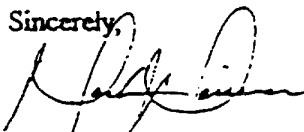
To Whom It May Concern:

It has come to the attention of the Community Development Department that the Geweke Toyota lot on 1020 South Beckman Road has been using a lighted balloon or blimp as an advertisement. Advertisements, or signs, of this type are not legal in the City of Lodi.

Signs are regulated by the City to control amounts, size, height, type, and other various elements. The sign in question is simply not permitted by the City. If the sign were permitted, it does not have a permit, it is too high, and the existing amount of signage at the car lot exceeds the maximum so no new signage would be allowed.

The sign shall be removed by January 5, 1993, in order to comply with the sign ordinance, Chapter 17.63. If you have any questions, please call me at (209) 333-6711.

Sincerely,



Mark G. Meissner
Assistant Planner

DECLARATION OF MAILING


On April 21, 1994 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 21, 1994, at Lodi, California.

Jennifer M. Perrin
City Clerk


Jacqueline L. Hodson
Deputy City Clerk



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: May 18, 1994

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, May 18, 1994 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Appeal from Geweke Toyota appealing the Planning Commission's decision that a blimp, which has been flying at Geweke Toyota, 1200 South Beckman Road, was an illegal advertising device, and that its usage be discontinued.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.


If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: April 20, 1994

Approved as to form:


Bobby W. McNatt
City Attorney

MAILING LIST

1. Mr. Mark Geweke, Vice President
Geweke Toyota
P.O. Box 1210
Lodi, CA 95241

2. James Schroeder, Director
Community Development Department

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
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THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

May 20, 1994

Mr. Mark Geweke, Vice President
Geweke Toyota
P.O. Box 1210
Lodi, CA 95241

Dear Mr. Geweke:

RE: Blimp (Balloon) Advertisement

At its meeting of Wednesday, May 18, 1994 the Lodi City Council conducted a public hearing to consider your appeal on behalf of Geweke Toyota of action of the Lodi City Planning Commission which determined that a blimp (i.e. Balloon) flying at 1020 South Beckman Road was an illegal advertising device and ordered its usage discontinued.

The City Council reversed the Planning Commission's decision and approved your appeal with the following provision:

"that Geweke Toyota be permitted to temporarily fly an advertisement blimp (i.e. balloon) at 1020 South Beckman Road until December 1, 1994 or until such time that the Sign Ordinance is amended, whichever is sooner."

If we can be of further assistance in this matter, please call upon us.

Sincerely,


JAMES B. SCHROEDER
Community Development Department

cc: City Clerk
City Attorney